

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

DEERE CREDIT SERVICES, INC.

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00046

DAVIS CONTRACTING & EXCAVATING LLC. et al.,

Defendants.

**ORDER**

On May 19, 2022, Plaintiff Deere Credit Services, Inc., suggested to the court that Defendant Joshua S. Davis filed a voluntary Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the Southern District of West Virginia which commenced Case No. 2:22-bk-20085. [ECF No. 34]. Filing a petition under chapter 7 “operates as a stay” of actions against the debtor that were commenced before the filing of the petition. *See* 11 U.S.C. § 362. Accordingly, the action was stayed as to Joshua S. Davis, and I ordered the remaining parties to show cause as to why the action should not be stayed in its entirety pending the conclusion of Mr. Davis’s bankruptcy proceeding. [ECF No. 35]. Plaintiff responded in support of staying the action in its entirety. [ECF No. 37].

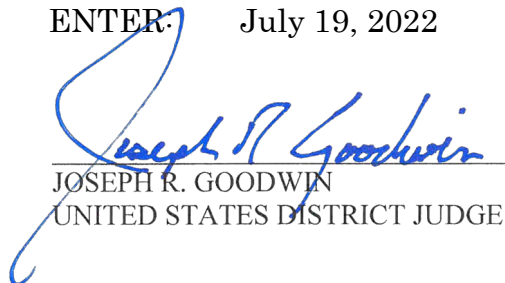
The court has inherent discretionary power to stay proceedings in order to achieve equity and to ensure the efficient management of its docket. *Williford v.*

*Armstrong World Indus., Inc.*, 715 F.2d 124, 127 (4th Cir. 1983); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Proper use of this authority requires the court to exercise its judgment “to balance the various factors relevant to the expeditious and comprehensive disposition of the causes of action on the court’s docket.” *United States v. Ga. Pac. Corp.*, 562 F.2d 294, 296 (4th Cir. 1977).

In balancing the competing interests present in this case, I conclude that any hardship or prejudice to the parties imposed by the stay is outweighed by the substantial likelihood of piecemeal litigation and relitigation of material issues that would result from further prosecution of this action in the absence of Mr. Davis. The interests of the parties and the judicial economy weigh heavily in favor of a stay pending the outcome of Mr. Davis’s Chapter 7 bankruptcy proceeding.

Accordingly, it is **ORDERED** that this action be, and it hereby is, stayed pending the conclusion of Joshua Davis’s bankruptcy proceeding or an order lifting the stay. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 19, 2022



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE